HOUSE OF REPRESENTATIVES.

SATURDAY, *May 15, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, with open hearts and receptive minds we wait upon Thee at the beginning of this new congressional day, that we may take up the duties as they present themselves to us wisely, sincerely, conscientiously, patriotically, and at its close feel Thine approbation and the approbation of those here represented, sleep soundly, and awake refreshed for the duties of a new day; and Thine be the praise through Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASE—SALTS AGAINST MAJOR.

Mr. DALLINGER. Mr. Speaker, I desire to give notice that on Tuesday next, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, I shall call up the contested-election case of Salts against Major, from the seventh congressional district of Missouri.

SPEAKER PRO TEMPORE TO PRESIDE TO-MORROW.

The SPEAKER. The Chair will designate as the Speaker pro tempore to preside to-morrow Mr. HUTCHINSON, of New Jersey.

FORTIFICATION APPROPRIATION BILL—CONFERENCE REPORT.

Mr. SLEMP. Mr. Speaker, I call up the conference report on the bill H. R. 13555, the fortification bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the bill H. R. 13555, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1921, and for other purposes.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the statement be read in lieu of the report. It is the conference report on the fortification bill.

Mr. GARD. Reserving the right to object, Mr. Speaker, is the statement so comprehensive as to enlighten the House?

Mr. SLEMP. I suggest that both be read. They are brief.

Mr. GARD. If it is not long, I suggest that that be done.

The SPEAKER. The Clerk will read the conference report and accompanying statement.

The conference report and accompanying statement were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 5, 6, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, 8, 9, 10, and 11, and agree to the same.

C. B. SLEMP,
BURTON L. FRENCH,
JOHN J. EAGAN,
Managers on the part of the House.

REED SMOOT,
WM. S. KENYON,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13555) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1921, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the committee of conference and submitted in the accompanying conference report as to each of said amendments, namely:

On amendment No. 1: Appropriates $1,600,000, as proposed by the House, for ammunition for Field Artillery, instead of $2,000,000, as proposed by the Senate.

On amendment No. 2: Appropriates $350,000, as proposed by the House, for current expenses of the ordnance proving grounds, instead of $500,000, as proposed by the Senate.

On amendment No. 3: Appropriates $130,000, as proposed by the House, for land defenses in the Hawaiian Islands, instead of $560,000, as proposed by the Senate.

On amendment No. 4: Provides for the preparation of plans for fortifications and other works of defense in the Hawaiian Islands, as proposed by the Senate, instead of the Philippine Island, as proposed by the House.

On amendment No. 5: Strikes out the provisions, proposed by the Senate, continuing available until June 30, 1921, the unexpended balances of appropriations for aviation purposes in connection with the seacoast defenses in the insular possessions, and establishing limits of costs for buildings to be erected in the same connection.

On amendment No. 6: Strikes out the provision, proposed by the Senate, continuing available until June 30, 1921, the unexpended balance of the appropriation made in the act of July 8, 1918, for the purchase or reclamation of land for the defense of the Panama Canal.

On amendment No. 7: Inserts the words "or contracts," as proposed by the Senate, in the paragraph relating to orders for work placed with arsenals or other ordnance establishments.

On amendments Nos. 8, 9, and 10: provides for covering additional sums into the Treasury, aggregating $80,146.20, as proposed by the Senate.

On amendment No. 11: Changes total of appropriations to be covered into the Treasury.

On amendment No. 12: Strikes out the paragraph, proposed by the Senate, relative to the abolition or removal from any one of the arsenals of the United States any permanent department or shop established by legislative act prior to April 6, 1917, unless authorized by law.

C. B. SLEMP,
BURTON L. FRENCH,
JOHN J. EAGAN,
Managers on the Part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MONDELL. Mr. Speaker, the gentleman from Iowa [Mr. HULL] desires to extend his remarks on the conference report.

Mr. HULL of Iowa. Yes. I ask unanimous consent to extend my remarks in the RECORD on the conference report.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks on the conference report. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. SLEMP, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

SPECIAL ORDER.

The SPEAKER. Under the special order to-day, the gentleman from Georgia [Mr. UPSHAW] is recognized for one hour.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from Georgia asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, before beginning my message for this hour I feel constrained to pay special tribute, if by no more than an upward look, to the distinguished visitors present, largely members of the Southern Baptist Convention now in session here. The records show that 8,300 had registered as delegates, to say nothing of the thousands of visitors.

I call attention to almost a national tragedy—that there is no auditorium in this Nation's Capital large enough to take care of half of the visitors to our city, and as all patriotic citizens naturally love to visit the capital of their Nation and as such visits do so much to increase the patriotism of the people I believe that this Congress ought to move speedily to the erection of a great auditorium, seating 10,000 or 15,000, that will invite great gatherings of people of patriotic and religious purpose to visit the beautiful Capital of our country.

The nature of my speech to-day is a surprise to me, and it will be a surprise to my colleagues on the floor and many of the

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visitors in the galleries who have been invited to hear another subject discussed. I had announced that I expected to speak to-day on my bill for a Federal pension to Confederate soldiers. I had expected to bring this message, as God is my witness, not so much for the brave old soldiers of the Southland as for my country's sake, basing my contention, not on one single bitter memory of the sixties, but purely on the ground of our blood-bought national fellowship and the proven loyalty of the Confederate soldiers through 50 years of peace, and their sons through two victorious wars. But yesterday I received an avalanche of requests, inside the House and outside among my friends, urging that I address myself in this hour to another important matter, postponing the intended message to some later date; and that other matter deals, I think, with just about the most vital thing before the American people.

Another reason I yielded to this request was that there is to be a great celebration out at Arlington, with parades covering the streets at this very hour, preparing for the dedication of the amphitheater, and I am anxious for all the Members of this House, especially all those on the northern side, to hear the full message I have prepared for the supreme purpose of increasing our national fellowship.

But before I come to the subject in hand, allow me to say in the spirit of good-fellowship that during my brief career as a legislator—my first year in Congress—I have loved most our seasons of common interest and not the times of partisan division. I have loved most the hour of the common purpose that has caused us to shake hands, and not to shake fists at each other across the political aisle. I have a rather proud memory that in my first utterance on the floor of this House I said I would love to see a political armistice, especially during the days of our reconstruction legislation, when we might impress the anxious people whom we represent that we are here, not striving primarily for partisan advantage, but working side by side for our country's safety and for our national glory.

A TRAVESTY AT ARLINGTON.

But I would be recreant to an impulse of loyalty, not only to my own section but I believe to the flag as well, if I did not protest against one thing that is taking place to-day at Arlington. William McKinley, the martyred President, when visiting my home city of Atlanta to help us celebrate the victorious termination of the Spanish-American War, said that it "Is now time for the National Government to care for the graves of Confederate soldiers."

I have a conviction that if he were here, if that indescribable American, Theodore Roosevelt, were here, with the rich blood of the southern cavalier in his veins, shrining the memory of his queenly Georgia mother—yea, if Abraham Lincoln were here, a son of the South and the great apostle of human freedom; if the soldierly and magnanimous Grant were here, who took to his bosom southern leaders like Longstreet, Mosby, and others after the war, and who died with the prayer on his lips, "Let us have peace"—I have a feeling that if this great quartet of statesmen and patriots were here to-day they would feel hurt in their hearts to attend the dedication of that amphitheater out yonder, built out of the money of all the people, built at the home of Robert E. Lee, who was a hero in the war with Mexico, and who was himself not only a graduate of West Point, but at one time the honored superintendent of that great military post; Lee whose matchless military genius and stainless Christian character are the priceless heritage of all Americans—I believe that if those great leaders of the North and the Nation could be present and see the name of Robert E. Lee denied a place on the roster of America's great ones in that amphitheater they would be deeply grieved.

And John B. Gordon is not there, gallant son of southern knighthood, who was a Senator of the United States after being governor of Georgia, and who spent the evening of his brilliant life, as John Temple Graves said of Henry Grady, "literally loving the Nation into peace." And Stonewall Jackson is not there—another brave soldier of the Mexican War, the noble educator, and the Christian hero, who spent his Sunday evenings teaching a negro Sunday school the word of God, that they might be better members of society. And "Fighting Joe" Wheeler, once a Member of this Congress, and before and after the Civil War an officer in the United States Army, whose name is forever linked with the name of Theodore Roosevelt at San Juan Hill. Instead of being able to ride on a dashing charger, as Roosevelt did in that memorable battle, Gen. Wheeler was carried on a stretcher to the battle lines in order that he might give his voice and his presence for the defense of the Stars and Stripes we all love. Great God of love and freedom and fairness, forgive the unthinkable spirit that would keep Joe Wheeler's name off the honor roll at Arlington! Of one thing I am sure: If Theodore Roosevelt, who issued an Executive order placing Gen. Wheeler's rank as a Confederate officer on his tomb at Arlington, were here, freshened by the memory of Wheeler's fight for our common flag at San Juan Hill, he would never allow his fighting comrade's name left off of that Arlington honor roll to-day.

And time would fail me to call every name of every southern leader whose valor in war and whose loyalty in peace have added a new halo to the brow of American heroism.

Mr. MADDEN. Will the gentleman yield?

Mr. UPSHAW. Pardon me, but I can not begin to yield.

Mr. MADDEN. I should just like to have the gentleman answer one question.

Mr. UPSHAW. All right, sir.

Mr. MADDEN. Does the gentleman complain and protest because the loyal people of the United States refused to pay tribute to the men who were traitors to the country in its time of greatest distress?

Mr. UPSHAW. Will the gentleman hear this? I did not intend——

Mr. RAYBURN. I move to strike those words from the RECORD.

Mr. UPSHAW. Never mind; I am willing——

Mr. RAYBURN. They are an insult to every man——

Mr. UPSHAW. I have come here in the spirit of love and fellowship——

The SPEAKER. To whom does the gentleman yield?

Mr. RAYBURN. I yield at this time, of course.

Mr. UPSHAW. I believe it would be a beautiful thing for this Congress on this very day of that dedication——

Mr. BLANTON. Mr. Speaker, a point of order. I ask that the words of the gentleman from Illinois be taken down.

Mr. UPSHAW. No; do not do that.

Mr. BLANTON. I do not think the colleagues of the gentleman from Illinois will back him up in that statement.

Mr. UPSHAW. Never mind—don't do that.

The SPEAKER. The gentleman from Texas is not recognized.

Mr. BLANTON. You have got bigger men on that side of the aisle than that.

Mr. UPSHAW. Please do not strike them out—let his words stand.

Mr. BLANTON. There is not a man on that side who will O. K. what the gentleman said.

Mr. UPSHAW. I must decline to yield further. I believe it would be a beautiful thing if this House, in the spirit of our present-day fellowship, would this day pass the resolution of Gen. SHERWOOD, the hero of more than 30 battles in the Union Army, simply asking this Congress to correct that giant wrong; and I expect to insert in my extension of remarks a letter from Dr. Clarence J. Owens, a former commander of the Sons of Confederate Veterans, to President Wilson concerning this matter.

DO THE STARS HAVE ANY MEANING?

Let me say this to the gentleman from Illinois and to all of my colleagues, that if the star on that flag back of the Speaker's chair which answers to the name of Georgia means anything, and if the star of every other State from the Potomac to the Rio Grande that nurtures upon its bosom these brave old heroes who for more than half a hundred years have been loyal to the Stars and Stripes—if it means anything at all, it means that every citizen beneath those stars is a brother to his brothers everywhere. [Applause.]

And if this Government has been willing to see these brave old heroes march in unmurmuring loyalty to the Treasury of the Nation for more than 50 years, and ungrudgingly pay the pensions of their victorious brothers; if this Government has been willing to find the name of a Confederate soldier when it has wanted to sell Liberty bonds and raise the revenues of war; if this Government has been willing to visit the hearthstone of every soldier of the South and find there the brave boys, some now sleeping in graves of the Spanish-American War and others beneath the poppies of France, and take them to fight side by side with the boys of the North for that flag for which "Fighting Joe" Wheeler went to the front on a stretcher, to fight and maybe to die, at San Juan Hill, then in God's name it is time for any narrow, little partisan spirit to be forever driven from this House and from the American people, and let us love each other like brothers. [Great applause.]

My father, who wore the gray of the Confederate soldier, and who taught his sons to love the Stars and Stripes, always said that the war could have been averted if only the people could have understood each other, and that the honesty and bravery of the southern soldier in tenaciously clinging to his lifetime concept of the meaning of the Constitution made him just as much a hero as the honest soldier of the North who clung likewise tenaciously to his concept of duty to the Union.

Alas, it was "the strife of brothers," and no brave soldier of the North who faced the heroic soldier of the South ever felt like applying the brand of "traitor" to his heroic adversary. And when the misunderstanding was over and the great family quarrel settled in God's own appointed time the happy children, once estranged, gathered under the same roof tree, happy in the hand clasp of reconciliation and peace. And the man who calls the loyal soldier of the South "a traitor" after more than 50 years of proven devotion to the flag of our reunited country is as near to blindness, it seems to me, as he is far removed from that bravery and that magnanimous manhood which are essential to the happiness and security of the land we love. The war of the Revolution could never have been won without the South; the War of 1812 could never have been won without the South; the War with Mexico, that stretched our dominion from sea to sea, could never have been won without the South; the war of the sixties, for the permanence of the Union, would never have been fought and won but for the South's honest devotion to a sacred constitutional concept; the War with Spain was not won without the South; and the war with Germany, God knows, could never have been won without the sons and daughters of the South.

Where, O where, can you find justification for the narrow spirit—the callous philosophy that would shut out from this governmental recognition the leaders of those who come from the sun-kissed home of warm-hearted chivalry—the brave and noble people, the glory of whose valor, the beauty of whose sufferings, and the enterprise and fidelity of whose sons and daughters have made such a priceless contribution to the building of our common country? And I would have to apologize to my manhood if I were to submit without protest to this Arlington discrimination against the fathers and builders of that glorious section whose salutary influence in lofty patriotism, in orthodox religion, and in progressive commerce have made a veritable gulf stream of blessing flowing through the Nation's larger life and fructifying every shore that it has touched.

THE LAW RECOGNIZED THE SOUTHERN SOLDIER.

And to show that we are right in this contention, and that the framers of the law making this appropriation for the amphitheater did not intend that the southern soldier should be left out, I quote the following section of the bill:

For completing the construction, under the direction of a commission consisting of the Secretary of War, the Secretary of the Navy, and Superintendent of the United States Capitol Building and Grounds; John McElroy, representing the Grand Army of the Republic; the commander of Camp No. 171, United Confederate Veterans of the District of Columbia; and Charles W. Newton, representing the United Spanish War Veterans, of a memorial amphitheater, including a chapel, at the National Cemetery at Arlington, Va., and in accordance with the plans of Carrere & Hastings, architects, of New York City, adopted by the commission heretofore appointed, and for each and every purpose in connection therewith, $75,000, to remain available until expended; and the limit of cost of the said memorial is increased from $750,000 to $825,000.

In consonance with the spirit of this legislative act and the splendid devotion to the fellowship of the Nation which he has served so well through the Southern Commercial Congress in building "A Greater Nation Through a Greater South," Dr. Clarence J. Owens, of Washington, D. C., has written the following ringing letter to President Wilson:

WASHINGTON, D. C., *May 10, 1920.*

President WOODROW WILSON,
The White House, Washington, D. C.

MY DEAR PRESIDENT WILSON: The Arlington Memorial Amphitheater, according to announcement, will be dedicated May 15. The Congress of the United States in providing for this memorial provided for a Confederate veteran to be a member of the commission. This action was construed to make the program for the erection of the memorial cover every part of the United States.

Secretaries Baker and Daniels are sons of Confederate veterans. They have permitted John McElroy, representing the Grand Army of the Republic, to dominate the plans for the memorial to the extent that not a single southern military hero is honored in the memorial.

Herewith I am sending to you, in chronological order, the effort that I have put forth to correct this grave injustice to our fathers of the South. You will note that Secretary Baker stated that the inclusion of Confederate veterans was a peace offering to the South, whereas I replied that we understood that the peace offering was made at Appomattox and that the reunion was made complete when the stars representing the South were put back into the flag. Secretary Baker stated that President Alderman acted as a member of the committee that selected the names to be engraved on the memorial. The correspondence will disclose the fact that President Alderman acted under a misapprehension as to his prerogative, and he makes explanation. While his explanation to a great degree is satisfactory, yet from my own point of view I can not condone his acquiescence in the plan to omit all southern names and his ignorance of the inclusion of a Confederate veteran on the commission.

The articles appearing in the Sunday Star of May 9, written by John McElroy, and in the Washington Post of May 10, by Mrs. D. W. Ball, clearly indicate the spirit that is animating those who are in control of the plans for the dedication of the memorial. McElroy is a member of the commission, and he and Mrs. Ball point out the fact that the United States Government paid $150,000 for an estate valued at $34,000 by the assessors in 1860; that the United States bought Arlington for $26,000 in 1864 in a tax sale; and that Arlington, "never the property of Robert E. Lee," cost the United States $176,000. There is clear-cut animus back behind these statements. You are aware of the fact that Arlington was confiscated and sold for taxes when the amount due was approximately $100, and that it was not the negotiation of the heirs to the Lee estate with the United States resulting in the final purchase price, but that it was a decision of the Supreme Court of the United States in favor of the Lee heirs that inspired the Congress of the United States to make the appropriation in reparation for the confiscation.

Gen. SHERWOOD has introduced the joint resolution, copy of which is inclosed, but Congressman GOULD, chairman of the Library Committee, states that there is no opportunity to report this measure out before the adjournment, and therefore before the dedication, and hence for all present purposes the proposed legislation will be of no avail.

You will see that Congressman GOULD regards the act of Secretary Baker and the commission as presumptious, in that there is no authority of law for the placing of memorials in the amphitheater, and points out that a bill now pending, that has received the approval of Secretary Baker, provides expressly that this prerogative of the selection of names for the amphitheater shall be left with the Congress of the United States.

The appeal is now made to you direct to take such steps as may be necessary to not only correct the injustice above referred to, but to exhibit to our people in all parts of the United States the solidarity of America and the fidelity of the men of the South on a parity with the men of other parts of our common country in defense of the flag and humanity on the battle fields of the Spanish-American War and the Great World War.

With the hope that this memorandum may have your immediate and sympathetic consideration, and with best wishes for your own health and happiness, I have the honor, sir, to remain,

Cordially and sincerely,

CLARENCE J. OWENS,
Director General.

NO BACKWARD STEP MUST BE TAKEN.

But, Mr. Speaker and gentlemen of the House, the special matter that has attracted my attention and to which I have been asked to address myself comes in a resolution passed yesterday by the great Southern Baptist Convention, and also a remark made before that convention by the honored Vice President of the United States. In making that address of welcome the Vice President playfully said in his brilliant way, "I think you good people ought to give your attention to preaching the gospel and not bother with politics and with law." I want to remind my colleagues and all who hear me in the galleries that if that is true it would emasculate the citizenship of every loyal man in America who belongs to any church. I stand in reverent memory to-day by the sacred dust of my noble father, who taught his boys around the family altar two proverbs: First, it is the duty of every man to take an intelligent interest in the things of government.

Second, if good men do not control this Government then bad men will; and his son, who occupies a place in this House largely as a fulfillment of the impact of that influence, has put his father's words into another aphorism, if you please—that it is the duty of every man to project his citizenship beyond the church-house door. If my Baptist pioneer ancestors had not wrought their influence upon the unformed instrument of the Constitution, we might to-day have a state church in America, and we would not have had the world's fullest meaning of religious freedom and the separation of church and state. [Applause.] Thomas Jefferson said that he got his concept of the American Union "from witnessing the deliberations of a little backwoods Baptist church in the mountains of Virginia"—that he learned from them the fundamental principles of liberty of conscience, freedom of soul and absolute divorcement of the church from the state in all matters of conscience and support.

But, Mr. Speaker, I wish to read the resolution offered by that great preacher-statesman, Dr. A. J. Barton, of Texas, Arkansas, and Louisiana, and passed yesterday by the convention, representing 3,000,000 white Baptists in the South:

Whereas prohibition is now a part of the Constitution of the United States and is no longer a political question but a question of respect for and the enforcement of law, a question of the authority of the whole people expressed in law; and

Whereas the brewers and their paid attorneys are making every possible effort to circumvent and nullify the law by making beer and wine an entering wedge for the return of the saloon; and

Whereas the said brewers and their paid attorneys claim that there is a reaction in the public mind against prohibition: Therefore be it

Resolved by the Southern Baptist Convention in annual session assembled in Washington, D. C., May 12–17, 1920, with 8,000 messengers enrolled, representing a constituency of 3,000,000 white Baptists, That we hereby respectfully and earnestly petition each of the two great political parties of the United States to put a plank in their respective platforms to be adopted at their approaching national conventions declaring strongly for the maintenance and enforcement of the eighteenth amendment to the Constitution, and of the law enacted for its enforcement.

Second. That we also petition said parties not to nominate any man for the Presidency who is not known to be committed to this policy of law and order.

Third. That the committee on temperance and social service be, and the same is hereby, authorized and instructed to communicate a copy of these resolutions to the chairman of the executive committee of each of the two great parties.

These resolutions furnish an inspiring illustration of the militant purpose of 3,000,000 men and women who believe in

"bothering about Congress and the laws" by being vigilant citizens in the kingdom of men as well as the kingdom of God.

I put over by the side of this brave and ominous utterance of the Southern Baptist Convention the statement of the committee of six, representing 22 national antiliquor organizations in this country, in which they bring out in eight powerful points the reasons why there should be no laxity at this early day, or any other day as for that, on the question of prohibition and law enforcement.

The following represents the attitude of the combined temperance forces in their appeal to the national political conventions to adopt a plank to sustain and enforce the eighteenth amendment and the Federal prohibition code. The reasons set forth in this document are conclusive, and they ought to have weight not only with the convention but with every law-abiding citizen in the Nation:

[National Temperance Council. Officers: President, Daniel A. Poling, LL. D., 31 Mount Vernon Street, Boston; vice presidents, Rev. P. A. Baker, D. D.; Virgil G. Hinshaw; D. Leigh Colvin, Ph. D.; Anna A. Gordon; Ben D. Wright; secretary, Ernest H. Cherrington; treasurer, Joshua Levering, Baltimore, Md.; officers of executive committee—chairman, Ernest H. Cherrington, Westerville, Ohio; secretary, Cora F. Stoddard, 36 Bromfield Street, Boston.]

To the members of the platform committees of the national political party conventions:

In your consideration of the planks that should be inserted in the national platform, we respectfully submit that the eighteenth amendment and its enforcement should be favorably considered.

This amendment was adopted in the face of greater opposition than any other part of the Constitution. The investigation of the brewers, their corrupt practices and unpatriotic activities, reveals the vicious methods used by that traffic to continue its existence. We attach hereto a copy of the findings of the subcommittee of the Judiciary Committee of the Senate, after taking over 6,000 pages of sworn testimony, as to the correctness of the charges made in Senate resolution No. 307. That testimony, with the findings of that committee, represents the most astounding disclosure ever made relating to the corrupt methods of the liquor traffic.

In spite of this organized opposition and the difficulties that stood in the way of securing an amendment to the Constitution, more than two-thirds of the Members of Congress voted to submit the national prohibition amendment to the States for ratification or rejection. The number of Republicans who voted for it in the House was 137, the number against it 62. We inclose herewith data which shows a more detailed analysis of the vote for the use of the committee.

In less than 14 months, 45 State legislatures ratified the eighteenth amendment, after it was submitted, representing by majority rule of these legislatures over 95 per cent of the population and 98 per cent of the territory of the Nation.

There is no legal method to repeal that amendment but by its resubmission by Congress and the repeal of ratification by the legislatures of three-fourths of the States.

Just as one branch of the legislature in 13 States could prevent ratification (which means fewer than 200 State senators out of every 6,500 members of the legislatures of the 48 States) so an equal number can prevent the repeal of the eighteenth amendment. It is manifest, therefore, that this issue has resolved itself into a question of law and order and the effective enforcement of a constitutional provision.

The Congress by a vote of more than two-thirds majority enacted a law enforcement code as authorized by the Constitution. Its provisions are precedented by those in more than 30 States, which have for years dealt with the law enforcement problem of prohibition. The standard fixed in that law for defining what is intoxicating liquor has been sustained in principle by the supreme courts in practically all of the States and the Supreme Court of the United States. In fact, even stronger definitions have been adopted in some of the State prohibition laws.

The United States Supreme Court in sustaining the constitutionality of the war prohibition act, defining the term, "intoxicating liquor," which definition is identical with that of the permanent prohibition code, and in the case of Ruppert *v.* Caffey, decided January 15, 1920.

"For the legislation and decisions of the highest courts of nearly all of the States established that it is deemed impossible to effectively enforce either prohibitory or other laws merely regulating the manufacture and sale of intoxicating liquors, if liability or inclusion within the law is made to depend upon the issuable fact whether or not a particular liquor made or sold as a beverage is intoxicating.

"In other words, it clearly appears that a liquor law, to be capable of effective enforcement, must, in the opinion of the legislatures and courts of the several States, be made to apply either to all liquors of the species enumerated, like beer, ale, or wine, regardless of the presence or degree of alcoholic content; or if a more general description is used, such as distilled, rectified, spirituous, fermented, malt, or brewed liquors, to all liquors within the general description regardless of alcoholic content; or to such of these liquors as contain a named percentage of alcohol; and often several such standards are combined so that certain specific and generic liquors are altogether forbidden and such other liquors as contain a given percentage of alcohol. * * *

"A test often used to determine whether a beverage is to be deemed intoxicating within the meaning of the liquor law is whether it contains one-half of 1 per cent of alcohol by volume. * * *

"The decisions of the courts as well as the action of the legislatures make it clear, or, at least, furnish grounds upon which Congress reasonably might conclude—that a rigid classification of beverages is an essential or either effective prohibition of intoxicating liquors."

The court then quoted with approval the case of Purity Extract Co. *v.* Lynch (226 U. S., 192), which reads as follows:

"The State, within the limits we have stated, must decide upon the measures that are needful for the protection of its people, and, having regard to the artifices which are used to promote the sale of intoxicants under the guise of innocent beverages, it would constitute an unwarranted departure from accepted principle to hold that the prohibition of the sale of all malt liquors including the beverage in question, was beyond its reserved power. * * *

"That the Federal Government would, in attempting to enforce a prohibitory law, be confronted with difficulties similar to those encountered by the States is obvious; and both this experience of the States, and the need of the Federal Government of legislation defining intoxicating liquors, as was done in the Volstead Act, clearly set forth in the reports of the House Committee on the Judiciary in reporting the bill to the Sixty-fifth Congress, third session, Report 1143, February 26, 1919, and to the Sixty-sixth Congress, first session, Report 91, June 30, 1919. * * *

"It is, therefore, both clear that Congress might reasonably have considered some legislative definition of intoxicating liquor to be essential to effective enforcement of prohibition, and also that the definition provided by the Volstead Act was not an arbitrary one."

In the light of this decision and the experience of the States, it is manifest that any liberalization of this standard is an attack upon the Nation's enforcement of the law, and would in fact be winking at lawlessness.

These reasons set forth by the courts and followed by the State legislatures relating to beer and wine exemptions have also been accepted by the people. Soon after prohibition was adopted in Michigan, a State referendum was taken on a so-called light wine and beer amendment. Prohibition carried in the first election in Michigan by 68,000. The beer and wine amendment was defeated in 1919 by 207,000. Ohio voted for prohibition in 1918 by approximately 24,000. After the soldiers returned in 1919, the brewers brought on a referendum for the repeal of prohibition and a 2.75 per cent beer and wine amendment. The prohibition repeal was defeated by 41,853, almost double the first dry majority, and the beer and wine amendment by 29,781. Similar referenda have been taken in Washington, Arizona, Oregon, and Colorado with the same results. The advocates of beer and wine have always been defeated in State legislatures and in Congress in their attempt to provide an exemption of these alcoholic beverages. It means the continuance of the beer saloon, which was the most corrupting influence in the community. The people, the legislatures, and Congress know that it is a subterfuge to defeat the enforcement of the prohibition laws. The Attorney General, A. Mitchell Palmer, was right when he said in a communication to Senator SHEPPARD when the prohibition code was pending:

"Referring to the proposed definition, I do not think the wisdom of such action on the part of Congress admits to doubt. It goes without saying, I think, that if a law merely prohibits intoxicating liquors and leaves to the jury in each case, from the evidence produced, to determine whether the liquor in question is in fact intoxicating or not, its efficient and uniform administration will be impossible."

This so-called demand from the rank and file of the people for a beer-and-wine amendment is not real, as the votes on this issue show. It is brewery propaganda to cripple law enforcement. Until the amendment itself is repealed or modified, every loyal citizen and every faithful official is duty bound to stand for its enforcement. This admittedly sane policy of standing for the enforcement of the law can not be encouraged or carried out by raising the standard of alcoholic content in beverage liquors. Every prohibition State that has tried it has repudiated the experiment as a failure. Georgia, with a 2 per cent beer exemption, soon discovered that it was impossible to enforce the law in that form. In addition, the weakening of this standard would mean adopting a Federal policy in direct conflict with the standards set in at least 34 States of the Union.

WET PROPAGANDA AGAINST PROHIBITION.

The liquor interests in their effort to save beer and wine and discredit national prohibition have carried on a propaganda for many months to deceive the public concerning the facts in connection with the eighteenth amendment. They have done this on a large scale while the friends of prohibition were assuming that the amendment having been submitted and ratified by overwhelming majorities, the question had resolved itself into a matter of law enforcement. As a matter of fact, it has, because by the constitutional methods of amending the Federal organic law the liquor interests would need affirmative action by 36 States in both branches, whereas 33 States have already adopted prohibition, and 4 others State prohibition-enforcement codes, and a single branch of the State legislature in 13 States can prevent repeal.

The same public sentiment that carried prohibition in the States and in the Nation by such overwhelming popular and legislative majorities is less active now because of the confidence that all patriotic citizens and organizations will as a matter of course support the enforcement of the laws of the United States. But if conditions compel, that sentiment will undoubtedly be aroused and will assert itself with even greater power than heretofore manifested.

HOW PROHIBITION WORKS.

In spite of this campaign of misrepresentation, the facts show that prohibition is being accepted by the people generally as an accomplished fact. It is proving daily that its enforcement is a great economic, social, moral, and political blessing. We submit in Exhibit D attached hereto some of the rapidly accumulating testimony on this point.

It is manifest in the face of these facts and conditions that every political party which has stood for law and order and the integrity and unity of the Federal Government, should favor a strong plank for the eighteenth amendment and its honest enforcement, and that any backward step will not be countenanced in the weakening of the law, or in the making of its enforcement more difficult or impracticable. The American creed binds us all to support the Constitution of the United States, and to obey and help enforce the laws of our country. If the brewers of this Nation are permitted by subterfuge to nullify the eighteenth amendment by a so-called light wine and beer amendment, or to prevent the enforcement of the eighteenth amendment in the prohibition enforcement code, then any other class of lawbreakers may use the same or similar methods to defy the laws of the land, and the Government will then be in jeopardy.

Law enforcement is essential to the perpetuity of orderly government, and we believe now is the time for a clear, clarion declaration by the political parties for a greater respect for law, and the party which makes this declaration clearest and most emphatic for the enforcement of the eighteenth amendment, and effective laws enacted pursuant thereto, will secure the support of the largest majority of the voters.

We make this appeal to you on behalf of the National Temperance Council, made up of 22 national temperance and prohibition organizations. We trust that you will give it your careful and favorable consideration.

WAYNE B. WHEELER, *Chairman,*
LENNA L. YOST, *Secretary,*
EDWIN C. DINWIDDIE,
OLIVER W. STEWART,
DANIEL A. POLING,
CLARENCE TRUE WILSON,
Committee on Memorial to Political Parties.

COOPERATING ORGANIZATIONS.

American Temperance Board of the Disciples of Christ.
Anti-Saloon League of America.
Board of Temperance of the Presbyterian Church in the United States of America.
Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church.
Catholic Prohibition League.
Committee on Promotion of Temperance Legislation in Congress.
Committee of Sixty on National Prohibition.
Committee on Temperance and Social Service of the Northern Baptist Convention.
Committee on Temperance and Social Service of the Southern Baptist Convention.
Department of Temperance and Good Citizenship of the United Society of Christian Endeavor.
Flying Squadron Foundation.
Intercollegiate Prohibition Association.
International Order of Good Templars.
International Reform Bureau.
National Division of the Sons of Temperance.
National Prohibition Party.
National Woman's Christian Temperance Union.
Permanent Committee on Temperance of the Evangelical Lutheran Church, General Synod.
Scientific Temperance Federation.
Temperance Commission of the Federal Council of Churches of Christ in America.
Temperance Commission of the National Congregational Council.
Temperance Committee of the Universalist Church.

Let the "blind leaders of the blind" who foolishly hope to bring liquor back to the legalized protection of our flag ponder well these two sweeping declarations. I have been led to speak on this subject partly by the speech of my genial friend from Massachusetts [Mr. GALLIVAN], in which he sought to prove at this early day, when prohibition has had no opportunity to fully express itself, the failure of prohibition, and in which he referred to the presence of many stills in the mountains of Georgia and the Carolinas, and what not. I only remind him that the presence of these stills—and we are smashing them right and left—is but the evidence of a devilish appetite created by the legalized saloon—fighting our effort to get straightened out after the country has been on a big drunk all of these years—after whisky has wrought its havoc upon the people. I also remind him that the figures show that in New York and Baltimore, and even in his own Boston itself, there are countless illicit makers and sellers of rum.

The gentleman from Massachusetts [Mr. GALLIVAN] said, by some strange deduction, that it would cost $88,000,000 a year to enforce the prohibition law, when the facts here, as brought out by careful investigation, show that the actual cost is only about $5,000,000 a year, and computing from the experience of a district in Michigan and another district incorporating Virginia, the facts bear out the assertion that the fines and forfeitures thus far have more than taken care of the amount allotted by the National Government for the enforcement of this law. But even if it did cost that much outright, what is that compared with the annual drink bill of $2,500,000,000 in America, plus the unspeakable depletion of the earning capacity of millions of men and women, plus also the cost of police courts and prisons everywhere?

A SOLEMN WARNING.

I come to bring you in good fellowship this solemn warning, and in saying this thing I want to declare that I stand with uncovered head before the marble integrity and splendid manhood of many of my colleagues who do not agree with me on this question. In my long fight before coming to Congress, for the enactment of this law, I proceeded upon this fundamental motto: "Love for the saloonkeeper but death to the saloon." And so what I say is wholly impersonal.

Down in my city we have a genial merchant, "Bob" Broyles, who is a volcanic orator. He is also gloriously "dry" and gloriously red-headed. He told me the story of a boy who came down the street crying. A policeman said to him, "Sonny, what are you crying about?" The boy replied, "That boy said that my sister was red-headed and I climbed him and got bunged up." The policeman said, "Well, ain't your sister red-headed?" and the boy replied, "No; I ain't even got no sister; it is just the principle of the thing." [Laughter.] So, when a man says, "I do not drink myself, but I am against prohibition on principle," I am compelled to reach the conclusion that if his principle makes him in favor of the sale of liquor and his neighbor's principle makes him opposed to it, then the thing that influences him is a liquor principle. And I would be afraid to sleep with such a thing.

But I am not here to discuss the fundamental issues in detail. I come to this hour seeking to send this message as broadcast as I may, because I find so many good men forgetting the danger of influential utterances on this question. This is one of the things I warn against. We want to be law-abiding citizens; we want to do everything to build up a sober, happy Nation; but if Members of this Congress, influential in the leadership of their own sections, and if other prominent leaders of America right now, when this law is only beginning, suffer themselves to make rash public utterances that discourage law enforcement, they are hurting the meaning and the spirit of our Government. Some thoughtless people say that the fight is over.

IS THE FIGHT OVER?

Is the fight over? May we fold our hands and fight no more and give no more to the cause of righteousness? I offer you for your answer the meeting in Chicago last year of a great gathering of the amalgamated, concentrated, "unfumigated" liquor interests, who pooled what they claimed was $2,000,000,000 of their holdings and put as much as they might need into the hands of resourceful lawyers to fight this eighteenth amendment. And newspaper stories have been sent broadcast magnifying every failure and minimizing every success of prohibition.

Do you think the battle is over? I offer you for your answer the fact that last November more than half a million men in Ohio marched to the polls and voted to unratify the constitutional amendment already ratified. Do you think the battle is over? I offer you for your answer the election in New Jersey of a man who declares that he was elected on a plank that "would make New Jersey and the Nation as wet as the Atlantic Ocean." The governor of that State led his legislature to the enactment of a 3½ per cent law, which defiantly tramples the one-half per cent Volstead law that we passed here, a law in consonance with the spirit of the eighteenth amendment. That law declares Congress shall make laws for the enforcement of this act. The governor of Maryland led in a similar tragedy. In doing that they set the example and gave the personal encouragement to every form of lawbreaking that the liquor forces know how to carry out. These liquor men who are declaring prohibition laws "unconstitutional" and crying "*Back to the Constitution!*" really mean "*Back to the barrooms of our fathers!*"

I speak not of any one man or party. I speak of the liquor business as a business. It has no conscience or politics. Up yonder in Pennsylvania it stands for "the Grand Old Republican Party." Down in Georgia, where most everybody is a Democrat, I heard one of their attorneys stand before the committee of the whole in the legislature and say, "Oh, sons of Democratic fathers, the principles of democracy call on you to rise in the majesty of your might and drive out this iniquitous fanaticism." Ha! ha! In Kentucky and Ohio, where it is nip and tuck between Republicans and Democrats, the liquor interests stand for "any old thing" that will perpetuate their iniquitous rule.

What is to be done? Listen. I give you over against that dangerous leadership of these "wet" governors the answer of the governor of Massachusetts when he vetoed the 2.75 per cent law. Hear it:

BRAVERY OF GOV. COOLIDGE.

There is little satisfaction in attempting to deceive ourselves. There is grave danger in attempting to deceive the people. If this act were placed on the statute books of this Commonwealth to-day, it would provide no beer for the people. No one would dare act upon it, or if anyone did he would certainly be charged with crime. Similar laws in other States are to date ineffective. I am opposed to the practice of a legislative deception. It is better to proceed with candor.

* * * * * * *

When I took office I took oath to support the Constitution of the United States. That Constitution and the laws of Congress are declared to be the supreme law of the land. It may be that the eighteenth amendment and the act under it are one or both void. So far as any court has decided, I understand the amendment has been sustained. They have been before the Supreme Court for some time, where up to now they both stand as law. That which the court hesitated to decide I shall not hasten to declare. It would be extremely improper to undertake to influence that decision by the action of the law-making power of Massachusetts. Do not anticipate it; await it. My oath was not to take a chance on the Constitution; it was to support it. When the proponents of this measure do not intend to jeopardize their safety by acting upon it, why should I jeopardize my oath by approving it?

This comes as a brave answer from a brave and honored Republican governor of the historic Commonwealth of Massachusetts. Democrat as I am, I crown this loyalty to the Constitution of the United States and to the home interests of the American people, and I rejoice to give the hand of fellowship to Gov. Coolidge as a governor worthy of a great Commonwealth. [Applause.]

Gentleman, the eighteenth amendment found its way into the Constitution by due and orderly process after half a century of a public educational campaign, and when it found its way there by the vote of both Houses of Congress and was indorsed, not by the necessary 36 States but by 45 States of the American Union, I believe that when any governor will lead his people to trample on the national law and the Constitution of the United States itself, and thereby shake his fist at the American flag and say, "My State is bigger than the National Government," I believe that that governor ought to be removed from office, if not put behind the bars. [Applause,]

Gentlemen, here is the danger I bring to you. If we create the spirit of defiance concerning this law we open the door

through which a horde of lawbreakers will come and trample with impunity every law that is put on the statute books. I have fought side by side with leaders of all denominations in fighting saloons, including several Catholic priests, therefore I say it with sorrow and warning, but a high dignitary like Cardinal Gibbons, after the law had been passed, when its enactment was about to come into force, gave out a declaration that he was still opposed to prohibition. He said that 20,000 priests would not be able to celebrate mass because they could not get wine. I answer him earnestly and definitely, that there are more than 20,000 ministers of God in this land that celebrate the Lord's Supper with "the fruit of the vine," but not the fermented kind that has the evils of intemperance in it. It is a dangerous thing for a man, high or low, in church or state, to use his influence to discourage the enforcement of a law that was enacted for the guardianship of the sobriety of the manhood and the womanhood of America.

Without reference to the merits of unfermented or fermented wines, permit me to say, however, that there is nothing in the eighteenth amendment that prevents or authorizes the prohibition of the manufacture or sale of wines for sacramental purposes. The following communication was sent by the general counsel of the Anti-Saloon League of America to the Catholic paper entitled America, which gives the attitude of the Anti-Saloon League and most other prohibition organizations concerning the manufacture and use of wines for sacramental purposes:

WAYNE B. WHEELER'S ANSWER.

In the America on February 21, 1920, is found the following:

"MAY CONGRESS NOW BAN THE MASS?

"The answer to this question must be that under the eighteenth amendment the legal power of Congress to ban the mass can not be questioned.

"The conviction that under the eighteenth amendment Congress might legally suppress the mass has been strengthened by the frank admission made by Mr. Wayne B. Wheeler, chief legal counsel for the Anti-Saloon League."

Permit me through your columns to emphatically deny that I ever made any such admission or any statement justifying any person to quote me against the use, making, selling, or using of sacramental wine. In the eighteenth amendment the use of wine for sacramental purposes is not prohibited, and in my judgment could not be prohibited, because it does not represent any beverage use, nor does it have any reasonable relation to the purpose of the prohibition act to prohibit the beverage use of liquor.

Here is the reply I made at the hearing in the New Jersey Legislature to Mr. Brown, a member of the committee, who is aggressively against prohibition. Reference is made to this by Father McNamara in America on March 20:

"Mr. BROWN. Yes; and you will go a step further if you should succeed in passing another act—that is by way of supposition—you would do away entirely with the use of wines for sacramental or medicinal purposes if you thought it was necessary, would you not?

"Mr. WHEELER. No; that is specifically provided for in the Volstead Act.

"Mr. BROWN. I know, but the Constitution itself provides for a limitation for beverage purposes; isn't that right, a prohibition?

"Mr. WHEELER. Yes; for beverage purposes.

"Mr. BROWN. But if you want to make effective your line of argument, and it became necessary, you would legislate that no liquor could be used for any purpose at all, would you not?

"Mr. WHEELER. Well, I would say no. I have always advised against in any way interfering with the manufacture, sale, or use of wine for sacramental purposes; it has always been considered a part of the religious rite. They did it in one State contrary to our advice and the supreme court of that State held that they had no constitutional right to do it. It was interfering with a religious rite."

The above is from the official stenographic notes.

This is in harmony with the consistent attitude the Anti-Saloon League of America has taken on this subject. We were asked at the time of the adopting of the amendment why the league did not urge a specific exemption for sacramental wine from the eighteenth amendment. The reason was clear.

"The eighteenth amendment prohibits the manufacture and sale of intoxicating liquor for beverage uses. The Judiciary Committee and Congress considered the sacramental use of wine as having no reasonable relation to the beverage use. For this reason they decided it was unnecessary to specifically exempt it."

After the present draft of the eighteenth amendment was agreed upon by the prohibition forces, I submitted it to a large number of influential Catholic lawyers to see if they had any doubt about the amendment and the construction for which we contended. Among them were Judge William H. De Lacy, first judge of the Juvenile Court in Washington; Charles F. Reddoch, a leading Catholic lawyer of Idaho; John Boyce, of Indiana, and many other leading Catholic lawyers and laymen who gave strong opinions that sacramental wine could not be prohibited under authority to prohibit beverage liquors.

In order that there might not be any doubt in the minds of Catholics concerning the attitude of the officers of the Anti-Saloon League of America, this statement was adopted by the officers of the league, and given to the press, while this controversy was pending:

"It is the purpose of the Anti-Saloon League of America to secure legislation to prohibit the beverage-liquor traffic and not to interfere with wine for sacramental use.

"This purpose was made clear by the national prohibition amendment, which prohibits only the beverage use of intoxicating liquors. This wording has been repeatedly construed by leading Catholics and Protestants as not including wines for sacramental use by any reasonable or fair construction.

"The Anti-Saloon League forces in Arizona championed the amendment to the original prohibition law so as to specifically exempt from its prohibition wines for sacramental use.

"We wish to assert, without qualification, that it is our unremitting purpose as Anti-Saloon League officers, to avoid even the appearance of supporting any measure which would interfere with the religious rites or ceremonies of any denomination or communion."

We trust that you will give the same publicity to the facts concerning this matter as was given to the other article.

WAYNE B. WHEELER.

"STATE RIGHTS" FOR LIQUOR.

There is another amusing thing, and that is the way that our friends on the saloon side talk about State rights. I have been told that a large part of the great liquor fund that was raised was put into a certified check and laid before Charles E. Hughes, who would have been a far greater President than he made a candidate, a great Christian man, and they said: "Take this and lead our fight for the overthrow of the eighteenth amendment." With lightning flashing from his honest eyes, that intrepid, stainless son of a Baptist preacher, said, "Let thy gold perish with thee. This law has had no opportunity to show what it will do, and I refuse to join in such an unholy cause." Then they went with a check that was signed, to a former President, William Howard Taft—bless his heart—he has been behaving mighty well since he was President of the United States—and they said to him: "Fill out the amount and lead our cause to break down this law." And that great man answered: "Gentlemen, I was opposed to prohibition, but this law has found its way onto the statute books by due process, and I would not sell myself to the liquor interests of this country for any amount that they can put into that check." [Applause.]

I have heard about "Hires' Root Beer." But there came a case where "beer hires Root." And one of the most brilliant men in America was brought into the case, declaring to the United States Supreme Court that the States ought to have their own rights in making and enforcing the laws that affect their people. It is the funniest thing in the world to a man from the South to hear these northern friends of liquor talking about State rights. [Laughter.] I hear old Hickory Jackson saying now, when that brave little Hotspur of the South, South Carolina, had some ideas of her own about State rights. "By the eternal, I will send an army down there and whip her back into the Union." I think of the Hartford Convention, in the heart of New England, which had some ideas about State rights. And I do not remember—I was not living then, but I am told that the men up North who did not believe the State ought to be allowed to have its own way about everything, came down South with an overwhelming majority to help to spank our daddies into the surrender of the doctrine of State rights.

And now we come back, the solid South, if you please, gone gloriously dry, overwhelmingly sustained by the sentiment of the people of the Nation, and we say to these Northern States that want to remain wet—to New Jersey and Rhode Island and Delaware, especially, that did not ratify—we say to them, in the words of Dr. Wilbur F. Crafts, of the International Reform Bureau, "*You would not ratify and you shall not nullify.*" And we propose, as the friends of righteousness down South, standing with the friends of righteousness up North, to spank those friends of State rights who want to shake their fists at the American flag, and tell them that that thing was settled in the mingled blood of Gettysburg and Appomatox, and we propose to stand for the enforcement of the law against those in every State who want to secede from the American Union on account of liquor. [Applause.]

A NATIONAL EVIL REQUIRES A NATIONAL REMEDY.

The liquor business is so universally debauching and so defiant of State lines and State laws, that we are compelled to have a national remedy to cure a national evil.

And I remind you that the friends who would see this law nullified, who would seek to make it ineffective by refusing to help to enforce it, are standing for the bringing back into this country of a business so bad that it will not allow its own clerks to patronize it. I read this from a Fort Worth Record years ago: "Wanted a young man to be shipping clerk to a mail-order liquor house. Any young man addicted to intoxicating liquors need not apply." I fancy an ad in the Washington Herald, if you please, from Parker, Bridget & Co., "Wanted a young man to sell clothing in our store. Any young man caught wearing breeches can not have the job." [Laughter.] Or an ad from a grocery firm, "Wanted a young man to sell flour in our store. Any young man in the habit of eating biscuits need not apply." [Laughter.] That is the very identical spirit. And here we are called on to-day by men who ought to be friends of sobriety to bring back a law that will protect a business that will not allow its own clerks to patronize it. We are called upon to weaken this law that means so much for the sobriety of the people. I want to say this before I close. The party that tries to build its platform and its future on a beer keg or a liquor barrel will be doomed to defeat before the American people. With national constitutional prohibition greatly hobbled during

its first few months of enforcement, we have seen great decrease of drunkenness and crime, and a great increase of home joys and human happiness. And such an end, my colleagues, is the highest meaning of legislation.

Gentlemen, I come to you with this earnest word: The eyes of the world are on America. For the influence of our laws and the safety of our young manhood, who are the "to-morrow of this Republic," I call upon every friend of law and order and constitutional Government to do his best to create a spirit that will enforce the law that the people have righteously enacted. The eyes of the staggering world are upon that flag as they have never been before. It has not only stood unselfishly for the rights of humanity, and therefore has never known defeat, but it must stand now a stainless flag for the good of all humanity. If America fails in this, the first great nation to put such a law by orderly process on the statute books, then struggling humanity will say "We want no more of America's example," but if America wins, if the men who say that they love God and the right, the welfare of the boys and the girls of the present and the future, if they stand for the law that has found its way on the statute books by due governmental process, if they will take their stand by the side of the home and fight back the enemies of the home and the church of the living God, they will not only help to insure American purity and American security, but they will give to all humanity a glorious example of what America can do as the triumph, thank God, of our Christian civilization. [Applause.]

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes on the postal commission.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. BLACK. Reserving the right to object, on what subject?

Mr. STEENERSON. On the postal commission.

Mr. BLACK. I have no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARD. Will the gentleman yield back such time as he did not use?

Mr. UPSHAW. I will yield back the remaining time.

Mr. KEARNS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KEARNS. To whom did the gentleman yield back this time?

The SPEAKER pro tempore. The gentleman yielded back the time, although it was not necessary, yet it did no harm. The gentleman yielded back to the House itself.

Mr. STEENERSON. Mr. Speaker, I am sure that the membership of the House, like myself, have received a great many letters and clippings in criticism of the work of the Joint Commission on Postal Salaries, and I think, therefore, that it would be appropriate for me, as a member of that commission, to make a few remarks upon its work.

One charge is that Republicans are holding up postal salary increases. In the first place, the commission was created by the last Congress. It was organized on the 3d day of March, 1919, and consisted of five Senators and five Representatives. Of these five Senators there were three Democrats and two Republicans, and of the Representatives there were three Democrats and two Republicans; so that there were six Democrats and four Republicans on the commission. The Senator from Alabama, Mr. Bankhead, was elected chairman and the gentlemen from Tennessee [Mr. MOON] was elected vice chairman.

That was the organization of the commission until March 8, 1920, when a Republican Senator, Senator PHIPPS, was elected to succeed the late Senator Bankhead. The Democrats therefore controlled the commission up to that date, and they must bear the blame if there was any unnecessary delay. Since March 8, 1920, the Republicans and Democrats have been a tie, so if any blame there is for delay since then it should be equally divided. The critics of the commission seem to labor under a misapprehension as to what it was created for. They seem to go on the theory that it was created for the sole purpose of raising postal salaries and to do it quickly.

The statute creating it says it is "authorized to investigate the salaries of postmasters and employees of the Postal Service, with a view to reclassification and readjustment of such salaries upon an equitable basis." There are more than 200,000 positions on record in the Postal Service, and there are nearly 100,000 more employed under contracts or lump-sum appropriations. To reclassify and readjust all these positions of various classes and grades is a work of considerable magnitude. It is work that involves a reorganization of the whole postal system. It is a work that requires much attention to details and a broad comprehension of the work of that department. It is a task comparable to the work of reorganizing the Army of the United States.

The Postal Commission, as soon as it entered upon its work, found that in order to obey the law which created it, it would require at least a year, and when the employees in the Postal Service complained that their salaries were not then sufficiently high we took that matter up in Congress. The annual appropriation bill of last year carried the so-called temporary increases or bonuses, amounting to $200 or over. Congress then passed House joint resolution 151, which gave additional salary increases ranging from $100 to $200, so that clerks whose basic salary is $1,200 now get $1,650, rural carriers whose basic salary is $1,200 now get $1,700, and so on. These last increases were not recommended by the department, and House joint resolution 151 became law without the signature of the President. That was done because it was evident the commission would require time. It was, however, believed that a new salary scale could be recommended to Congress and enacted into law to take effect next fiscal year, beginning July 1. But the hearings were not completed until about two weeks ago. Since then we have held executive sessions almost daily in which salary and classifications have been gone over and discussed pro and con.

Many of them have already been tentatively passed upon, and the work is, I should say, two-thirds finished. If we encounter no unforeseen difficulties, we ought to be able to make a report by the 1st of June. And if Congress is in session, there will be time to enact the recommendations of the commission into law by the beginning of the next fiscal year.

The SPEAKER. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to address the House for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. The idea never occurred to the commission that they were to start in and make a report before the evidence was closed. Now, if for any reason, either by the adjournment of Congress or any other, the recommendation of the commission can not be enacted into law by the first of the fiscal year, the commission, I believe, would favor that whatever salary increases are recommended should be retroactive to the beginning of the year, so that no employee would suffer any loss by reason of such delay.

For these reasons it seems to me that this propaganda, if I may so call it, that is going on is entirely unjustifiable. It is alleged in these reports that the commission has "fallen down"; that it has been brooding for 14 months over a report and is not able yet to make it. You might as well charge that a court had been wasting its time because it had been gathering evidence and considering it before rendering an opinion.

So far as the personnel of the commission is concerned, I want to say this, that they are, nearly all of them, old Members of their respective Houses, and have had a great deal to do with the postal work and postal legislation. They have approached their task with only one spirit, and that is one of kindly sympathy for all of the postal employees.

I believe that every member is animated by a desire to do what is fair and just by the employees.

There has not been the least sign of any division on party lines amongst us, and we are all in favor of making a report as quickly as it is physically possible to do so and do it intelligently.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. MADDEN. I hope that nobody will get the impression that we are going to report by the 1st of June, because we may not be able to do it, and I do not think we will be able to do it myself.

Mr. STEENERSON. Well, I did not intend to fix any time. I was simply expressing a hope. The gentleman from Illinois [Mr. MADDEN] is one of the most hard-working members of this commission, and he devotes more time to it, perhaps, than anyone else, and if he says that its work can not probably be finished by the 1st of June, I will yield my judgment to his, because there has been no one more ardent and efficient than he in the work of the commission.

Mr. ROUSE. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Certainly.

Mr. ROUSE. I will say to the gentleman that I am a member of the commission, and I thought last year that the commission should have reported the 1st of December, and I think to-day that the commission should report before the 1st of June, and that a bill embodying its recommendations should be passed by the House before the 1st of June.

Mr. STEENERSON. Well, I should be very glad to be able to agree with the gentleman, and I shall strive in every way to make a report in time for that work.

The SPEAKER. The time of the gentleman from Minnesota has expired.

SIXTH ANNUAL INTERNATIONAL SANITARY CONFERENCE.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress and for its determination whether it will authorize that the United States be officially represented in the Sixth International Sanitary Conference and appropriate the sum necessary to meet the expenses incident to such representation, a report from the Secretary of State setting forth the importance of the conference and the reasons which make it desirable that this Government be represented therein.

WOODROW WILSON.

THE WHITE HOUSE,
15 May, 1920.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On May 12, 1920:

H. R. 13227. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the landing of the Pilgrims.

On May 13, 1920:

H. J. Res. 302. Joint resolution authorizing an appropriation for the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.;

H. R. 13590. An act granting the consent of Congress to Sid Smith, of Bonham, Tex., for the construction of a bridge across the Red River between the counties of Fannin, Tex., and Bryan, Okla.;

H. R. 13724. An act to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.; and

H. R. 10917. An act to amend an act entitled "An act to incorporate the National Education Association of the United States," by adding thereto an additional section.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11927. An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

EXTENSION OF REMARKS.

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the soldiers' bonus bill.

The SPEAKER. The gentleman from Montana asks unanimous consent to extend in the RECORD his remarks on the soldiers' bonus bill. Is there objection?

There was no objection.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL—CONFERENCE REPORT.

Mr. PORTER. Mr. Speaker, I desire to call up the Conference report on the bill H. R. 11960, the Diplomatic and Consular appropriation bill, making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the Diplomatic and Consular appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921.

Mr. PORTER. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the statement accompanying the report be read in lieu of the report. Is there objection?

Mr. SIEGEL. I object. I raise a point of order on the report.

The SPEAKER. The gentleman can raise a point of order just as well and reserve it now.

Mr. SIEGEL. Very well. I reserve the point of order.

The SPEAKER. The Chair will see to it that the gentleman's rights are protected. Without objection, the Clerk will read the statement.

There was no objection.

The statement accompanying the conference report was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 10, and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 9, 11, 12, and 14.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "$480,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed by the Senate amendment insert "$900,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"PURCHASE OF EMBASSY BUILDING AND GROUNDS AT SANTIAGO, CHILE.

"For the purchase of an embassy building and grounds at Santiago, Chile, and for making necessary minor repairs and alterations in the building to put it into proper condition, $130,000."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15 and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"FEES FOR PASSPORTS AND VISÉS.

"SECTION 1. From and after the 1st day of June, 1920, there shall be collected and paid into the Treasury of the United States quarterly a fee of $1 for executing each application for a passport and $9 for each passport issued to a citizen or person owing allegiance to or entitled to the protection of the United States: *Provided*, That nothing herein contained shall be construed to limit the right of the Secretary of State by regulation to authorize the retention by State officials of the fee of $1 for executing an application for a passport: *And provided further*, That no fee shall be collected for passports issued to officers or employees of the United States proceeding abroad in the discharge of their official duties, or to members of their immediate families accompanying them, or to seamen, or to widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines, buried abroad whose journey is undertaken for the purpose and with the intent of visiting the graves of such soldiers, sailors, or marines, which facts shall be made a part of the application for the passport.

"SEC. 2. From and after the 1st day of June, 1920, there shall be collected and paid into the Treasury of the United States quarterly a fee of $1 for executing each application of an alien for a visé and $9 for each visé of the passport of an alien: *Provided*, That no fee shall be collected from any officer of any foreign Government, its armed forces, or of any State, district, or municipality thereof, traveling to or through the United States, or of any soldiers coming within the terms of public resolution approved October 19, 1918 (40 Stat. L., pt. 1, p. 1014).

"SEC. 3. The visé of a passport of an alien may, under regulations prescribed by the Secretary of State, be refused if the applicant would be dangerous to the public safety or obviously be liable to exclusion if allowed to present himself at a port of the United States for admission: *Provided*, That such applicant, if rejected by the officer of the United States to whom application was originally made, may appeal to the Secretary of State: *And provided further*, That the issuance of a visé to an alien by a person duly authorized to issue such visé on behalf of the United States shall not relieve said alien or the steamship company transporting him from the operation of any provision of the laws of the United States.

"SEC. 4. From and after the 1st day of June, 1920, it shall be unlawful for any alien, other than a seaman, to enter or attempt to enter the United States without a passport duly viséed by a person duly authorized by the Secretary of State to issue such visé: *Provided*, That this section shall not apply

to nationals of Great Britain domiciled in the Dominion of Canada, Newfoundland, the Bermudas, or the Bahamas, or to nationals of France domiciled in St. Pierre and Miquelon, or to citizens of Cuba, Panama, or Mexico.

"SEC. 5. From and after the passage of this act every citizen or person, other than a seaman, owing allegiance to or entitled to the protection of the United States and departing from the United States or any of the possessions thereof for any foreign country, except the Dominion of Canada, Newfoundland, St. Pierre, and Miquelon, Panama, the Bermudas, the Bahamas, Mexico, and Cuba, or departing from the United States or any of the possessions thereof by way of any of said countries for any other country shall be required to bear a valid passport.

"SEC. 6. The validity of a passport or visé shall be limited to two years, unless the Secretary of State shall by regulation limit the validity of such passport or visé to a shorter period.

"SEC. 7. Whenever the appropriate officer within the United States of any foreign country refuses to visé a passport issued by the United States, the Department of State is hereby authorized upon request in writing and the return of the unused passport within six months from the date of issue to refund to the person to whom the passport was issued the fees which have been paid to Federal officials, and the money for that purpose is hereby appropriated and directed to be paid upon the order of the Secretary of State.

"SEC. 8. Section 1 of the act approved March 2, 1907, entitled 'An act in reference to the expatriation of citizens and their protection abroad' (34 Stat. L., pt. 1, p. 1228), authorizing the Secretary of State to issue passports to certain persons not citizens of the United States is hereby repealed."

And the Senate agree to the same.

STEPHEN G. PORTER,
JOHN JACOB ROGERS,
H. D. FLOOD,
Managers on the part of the House.

H. C. LODGE,
WM. E. BORAH,
G. M. HITCHCOCK,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreement of the House to the amendments of the Senate on H. R. 11969, entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921," submit the following written statement in explanation of the effect of the action agreed upon by the conference as to each of the said amendments:

The Senate recedes from its amendments Nos. 4, 10, and 13.

Amendment No. 4, appropriating funds for emergencies arising in the Diplomatic and Consular Service, increases the appropriation from $400,000 to $500,000.

Amendment No. 10, providing for the expenses of the International High Commission, struck out the word "State" and inserted the words "the Treasury."

Amendment No. 13, under post allowances to consular and diplomatic officers, added a proviso limiting the expenditure of the appropriation.

Senate amendments Nos. 5, 6, 7, 8, 9, 11, 12, and 14 were agreed to by the managers on the part of the House.

Amendment No. 5 inserts a new paragraph appropriating $4,500 for the relief of Mrs. Winifred T. Magelssen.

Amendment No. 6 adds a new paragraph making the unexpended balance of the appropriation for the fiscal year ending July 1, 1920, available for the fiscal year ending July 1, 1921, for the objects and purposes designated by said act of appropriation.

Amendment No. 7 inserts a new paragraph appropriating $9,000 for expenses in connection with the Pan-Pacific Union.

Amendments Nos. 8 and 9 changes the word "International" to "Inter-American."

Amendment No. 11 changes the appropriation for the International Joint Commission on Waterways Treaty, United States and Great Britain, from $25,000 to $40,000.

Amendment No. 12 struck out the last proviso limiting the expenditure of the appropriation.

Amendment No. 14 changes the appropriation for contingent expenses for the United States consulates from $900,000 to $1,000,000.

Amendment No. 1 fixes the amount for clerks at embassies and legations at $480,000 instead of $688,000, as proposed by the Senate amendment.

Amendment No. 2 increases the appropriation for contingent expenses, foreign missions, to $900,000 instead of $1,000,000, as proposed by the Senate amendment.

Amendment No. 3, providing for the purchase of embassy buildings and grounds at Santiago, Chile, changes the language but leaves the appropriation of $130,000 the same.

Amendment No. 6 changes the language and makes this the final appropriation under existing treaties for the maintenance of the International Boundary Commission, United States and Mexico, and dissolves the commission from and after six months from July 1, 1920.

Amendment No. 15, relating to fees for passports and visés, struck out the amendment submitted by the Senate and inserts new matter.

STEPHEN G. PORTER,
JOHN JACOB ROGERS,
H. D. FLOOD,
Managers on the part of the House.

Mr. PORTER. Mr. Speaker, I ask unanimous consent to strike from the statement the paragraph at the head of page 5, relating to the Mexican Boundary Commission, which was inserted inadvertently.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the paragraph referred to be stricken out, having been inserted by mistake. Is there objection?

There was no objection.

The SPEAKER. Does the gentleman from New York [Mr. SIEGEL] make a point of order?

Mr. SIEGEL. I make a point of order against the bill, and particularly against Senate amendment No. 15, on the ground that when the bill passed the House and Senate there was no provision similar to the language now contained in it. It is an elementary rule of the House that all that the conferees can do is to pass upon such legislation which is germane, and that they can not exceed their powers.

Now, the Senate inserted in Senate amendment 15 a proviso, reading as follows:

FEES FOR PASSPORTS AND VISÉS.

From and after the 1st day of May, 1920, a fee of $1 shall be collected for each application and $10 for each passport issued to a citizen or person owing allegiance to or entitled to the protection of the United States or a person who has declared his intention to become a citizen of the United States, and said fees shall be paid into the Treasury of the United States at least quarterly: *Provided, however,* That no fee shall be collected for passports issued to officers and employees of the United States proceeding abroad in the discharge of their official duties.

From and after the 1st day of May, 1920, a fee of $9 for each visé of the passport of an alien and $1 for each application of an alien for a visé shall be collected and paid into the Treasury of the United States quarterly: *Provided,* That no fee shall be collected from any officers of any foreign Government, its armed forces, or of any State, district, or municipality thereof, traveling to or through the United States or soldiers coming within the terms of public resolution No. 44, Sixty-fifth Congress (H. J. Res. 331).

From and after the passage of this act it shall be unlawful for any citizen or person owing allegiance to or entitled to the protection of the United States or any person who has resided in the United States three years and has declared his intention to become a citizen of the United States to depart from the United States for any foreign country except Canada, Mexico, Cuba, Bermuda, and the Bahama Islands, or by way of these excepted countries to a foreign country, through the possessions of the United States or otherwise, or to depart from said possessions for any foreign country except Panama and those hereinbefore excepted, unless he bears a valid passport.

Which provision, in effect, would require a payment of $9 and $1 in the case of a passport or visé. There was no such provision in the House bill. In conference they went further than that. They provide, in section 8, as follows:

Section 1 of the act approved March 2, 1907, entitled "An act in reference to the expatriation of citizens and their protection abroad" (34 Stat. L., pt. 1, p. 1228), authorizing the Secretary of State to issue passports to certain persons not citizens of the United States is hereby repealed.

They also endeavor to give the United States consul abroad the power to determine who shall have the right to come into this country, and who shall be kept out of it. For example, in section 3 they say:

The visé of a passport of an alien may, under regulations prescribed by the Secretary of State, be refused if the applicant would be dangerous to the public safety or obviously be liable to exclusion if allowed to present himself at a port of the United States for admission: *Provided,* That such applicant, if rejected by the officer of the United States to whom the application was originally made, may appeal to the Secretary of State: *And provided further,* That the issuance of a visé to an alien by a person duly authorized to issue such visé on behalf of the United States shall not relieve said alien or the steamship company transporting him from the operation of any provision of the laws of the United States.

They also provide that no person shall be allowed to leave the United States without obtaining a passport.

Now, it is my contention that there was no such provision in the bill as it passed the Senate, and that therefore the conferees had no power to exceed that which had been inserted in the Senate, namely, simply increasing the fees. They have done two things here: One is that they set up a consular officer as the authority to determine who should come into this country, and secondly, they attempted to repeal that part of the law which provides that passports may be issued to those who are declarants.

The SPEAKER. Will the gentleman state what the section provided that is repealed?

Mr. SIEGEL. That section provides that passports shall be issued to those who are declarants. In other words, during the war, and for a long time before that, we issued passports to those who were not full citizens, but who had the right to go abroad.

They attempt to repeal it by this act, and that is accomplished if this should become a law. In addition to that, in section 3 they practically make the consul on the other side the immigration officer to determine the question as to who shall be admitted to the United States. Furthermore, in contravention of treaty agreements, no alien will be able to leave here. It seems to me that the conferees certainly exceeded their powers.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. SIEGEL. I do.

Mr. WALSH. Was not section 8 an original Senate amendment?

Mr. SIEGEL. Oh, no; it was not. Section 8 was added in conference, and sections 3 and 4 were added in conference. It seems to me clearly subject to a point of order on two grounds: One that these items are not germane to what was the original Senate amendment; and second, that the conferees have exceeded their powers because there was no such amendment passed in the Senate at the time it was added on.

Mr. HICKS. Mr. Speaker, will the gentleman yield?

Mr. SIEGEL. I do.

Mr. HICKS. Will the gentleman inform the House as to just what the provision was that the Senate put in with reference to passports?

Mr. SIEGEL. The Senate simply provided that there should be a charge of $10. There was no provision by which the consular officer was to become the immigration officer. I will say that on a point of order in the House, when the gentleman from Texas, I believe, attempted to offer some amendment providing for an increased amount to be paid for passports, it was properly ruled out of order because that was new legislation.

The bill went over to the Senate, and there they put in a proviso about the $10. That part was a subject for the conferees when the bill went to conference, but they could not go a step further and repeal the law or add to it a whole lot of new ideas, changes, and thoughts which entered their minds, practically nullifying the immigration law. That was and is exclusively within the domain of the Committee on Immigration and Naturalization.

Mr. HICKS. Then the gentleman is not basing his objection on the point of order that as the Senate had put in $10 as a fee, the conferees exceeded their authority on that ground? He is basing it upon some other provision?

Mr. SIEGEL. On the one proposition that the only question that the conferees could determine was whether they would agree to the $10 for the passport or the visé. Personally I think it was a great mistake to put in the provision which they did put in that passports should be required for any person leaving the United States. Up to the time of the war anybody was at liberty to leave the United States with or without a passport, but under this provision which they put in here——

The SPEAKER. That was put in in the Senate.

Mr. GALLAGHER. Is it not a fact that that is new legislation, because they are trying to make permanent law out of the war legislation providing for passports?

Mr. SIEGEL. Not only that. They have gone a step further. They have put in more drastic provisions than we had during the entire period of the war or in all of the country's history. They strike at the very freedom of movement of the American citizen, although we are at peace.

Mr. LONGWORTH. If I understand the gentleman, he makes his point of order against sections 3, 4, 5, 6, 7, and 8, and not against sections 1 and 2. Am I right in that?

Mr. SIEGEL. My contention is that the point of order must lie against the whole conference report.

The SPEAKER. If any point of order is made, it is made against the whole conference report.

Mr. SIEGEL. Yes; it must lie against the whole report. I have made my point of order to that effect.

Mr. ROGERS. Mr. Speaker, by way of analogy I should like to recall to the mind of the Chair the situation that is presented when one House strikes out all of the bill as passed by the other House and substitutes a bill of its own. Of course, the rule is very well established and very familiar that when the bill goes to conference the conferees can throw away both bills if they like and write a new bill of their own, the only qualification upon that rule being that the new bill must be germane to the subject matter of one or the other of the old bills.

Mr. SIEGEL. Will the gentleman yield?

Mr. ROGERS. Let me proceed a little further, please.

Mr. SIEGEL. I should like to correct the gentleman.

Mr. ROGERS. We all know that in many cases the second body to act in a case of that kind prefers to throw aside all that the first body has done, because it will find it more convenient to have its own bill throughout. The suggestion is often made that a further reason is that the future conferees desire to have their hands entirely unfettered when the bill goes to conference. Although the two bills as passed by the Senate and House respectively may be very similar in many respects, nevertheless the rule prevails and applies, the whole matter is in conference, and the conferees may write an entirely new bill.

Take, for example, the case of the recent Army reorganization bill. The House bill and the Senate bill were similar in many respects and identical in some respects and in some sections. Yet, because the Senate struck from the House bill everything after the enacting clause, the conferees are at work on the whole problem, and will ultimately report a new bill for the consideration of the House and Senate.

Now, I ask the Speaker to compare the situation in that kind of a case with the situation that is presented here. The House in its Diplomatic and Consular appropriation bill did not deal in any way whatever with the subject of passports, passport fees, the control of aliens coming to the United States, or of American citizens departing from the United States. The Senate took up the question de novo; although this was an appropriation bill, it inserted in the bill a rather elaborate amendment legislating anew upon the whole subject of passport control, both of outgoing and incoming travelers. When that bill went to conference, the Speaker will notice, there was a complete lack of agreement between the Senate and the House. The House had not spoken at all. The Senate had spoken in terms of this elaborate amendment. In other words, there was no point of accord between the two bodies.

If, as I have suggested, the authority of the conferees is practically unlimited except with respect to the element of germaneness, where one House has passed a bill and the other House has passed a substitute—often very similar—for that bill, surely in this case, where there is no point of contact whatever between the Senate and the House, the conferees, as they go into conference, must have at least an equally broad power as compared to that which they have in the other case.

With that in mind I want to call the attention of the Chair to the form in which this matter passed the Senate.

The first paragraph of the Senate amendment provided a system of establishing and collecting passport fees for citizens; and if the Chair will particularly notice it included a provision for persons who have declared their intention to become citizens of the United States. The gentleman from New York [Mr. SIEGEL] lays great stress on the fact that section 8 of the conference report, as reported by the conferees, repeals the former law. Of course, almost all legislation is a change of the previous law.

The SPEAKER. The Chair does not think the gentleman need argue that last statement. The Chair is very clear about that.

Mr. ROGERS. I was simply going to suggest that nearly all legislation involves a change in law, and no more so when it specifically mentions the statutes which it changes.

The SPEAKER. May the Chair ask the gentleman a question?

Mr. ROGERS. Certainly.

The SPEAKER. The last section repeals the law authorizing the Secretary of State to give passports; but the original Senate amendment—the Chair thinks probably he had better let the gentleman proceed in his own way.

Mr. ROGERS. As I was observing, the first paragraph of the Senate amendment is a general provision establishing, in the case of American citizens, the scale of fees for passports and applications for passports. It also establishes what the practice shall be in the case of persons who are merely declarants for citizenship.

Then it goes on, in the proviso, to establish certain limitations which, if the applicant qualifies within them, result in the elimination of the necessity for a passport. The second section deals with the situation in the case of persons coming to the United States from abroad who are not American citizens.

The Chair will bear in mind that this passport question presents two distinct phases. First, what shall be the practice of the American Government with reference to American citizens who are going abroad and to whom passports must be issued.

Second, what shall be the practice of the American Government with respect to aliens who seek to come to the United States. Obviously, in the second case, the American Government does not and can not issue a passport, but it may require the intended immigrant to procure a passport from his own Government, and also require that that passport shall be viséed by the Amercan consul before the alien leaves his own country for the United States.

Senate amendment No. 15 dealt with both of these questions. It did not confine itself as it might have to passports; it did not confine itself as it might have to visées. But it dealt with both questions, and thereby opened up, as I submit, the entire field of passport and visé legislation.

I want to call the attention of the Chair to the fact that again in the second paragraph of the Senate amendment we find a proviso, a limitation, in other words, as to instances in which the visé of the United States and the passport of the foreign Government shall not be required of aliens who intend to come to the United States.

Then, in the third paragraph, we find a still more definite change in existing law. We find that as far as an American citizen is concerned, it shall be obligatory that he shall take a passport before leaving the United States. While this may not be material on the point of order, it is perhaps worth while to suggest what was apparently the Senate viewpoint, that it would scarcely be effective to raise the fees for the passport unless in some way it should be made obligatory for the intended traveler to take out the passport. So the Senate amendment goes into that question and makes obligatory the requirement that every American, with certain exceptions, shall take a passport before he leaves the United States for a foreign country.

The fourth paragraph of the Senate amendment is administrative, and perhaps does not very much modify the general situation on the point of order.

When the conferees came to deal with the problem, as I said at the outset, they found the Senate and House at opposite extremes. They found that the Senate amendment had opened up the whole question of passports; they found that the Senate amendment had opened up the whole question of visés. It seemed to the conferees that it was both their duty and their right to consider the whole question of passport and visé legislation in view of the breadth to which the Senate amendment went.

This precise question has not, I think, been very helpfully handled in the precedents, but there is one authority to which I should like to direct the attention of the Chair in case he is not familiar with it. It is found in the fifth volume of Hinds' Precedents, page 731, section 6424.

On February 18, 1907, Mr. William S. Bennet, of New York, submitted the report of the managers of the conference on the bill S. 4403, entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903."

Before the report was read Mr. John L. B. Burnett, of Alabama, proposed to reserve a point of order.

The point of order, as the decision shows, was based principally upon the insertion by the managers of the following proviso:

> *Provided further,* That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens to go to any country other than the United States or to any insular possession of the United States, or to the Canal Zone, are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country, or from such insular possessions or from the Canal Zone.

It is interesting to note that nowhere in the immigration bill which was in conference at that time was there any reference whatever to passports. It happens by a coincidence that this authority deals with passports; but that is not why I cite it. That bill was an immigration bill purely. The point is that the managers on the part of the Senate and of the House who, I think, were in precisely the same fundamental position as the managers in this case, found that in order to regulate and control immigration it might be wise to utilize the passport method, either directly or indirectly, in order to control the influx and outgo of immigrants. Although the passport method was not even contemplated in the bill as it passed either House, the conferees incorporated it. Speaker CANNON, in quite an elaborate ruling, sustained the authority of the conferees and overruled the point of order. Here we have exactly a converse case—a passport bill incidentally including, by the action of the conferees, a provision relating to immigration.

The rule is rather well stated, I think, by Speaker Colfax back in 1865, found in Hinds' Precedents, section 6421:

> The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language, or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one, the committee of conference have the right to strike out that and report a substitute in its stead. Two separate bills have been referred to the committee, and they can take either one of them, or a new bill entirely, or a bill embracing parts of either. They have a right to report any bill that is germane to the bills referred to them.

See also Speaker CANNON's ruling, found in Hinds' Precedents, section 6417:

> It is true that if the whole paragraph in the bill as it passed the House had been stricken out and a substitute therefor proposed by the Senate, or if the Senate had stricken out the paragraph without proposing a substitute, and the House had disagreed to the amendments of the Senate, then the conferees might have had jurisdiction touching the whole matter and might have agreed upon any provision that would have been germane.

My contention is that the only question before the Chair at this time is whether the conference report on amendment No. 15 of the Senate is germane to the Senate amendment. My contention further is that in view of the fact that there is no point of contact between the Senate and the House on this question, the power of the conferees is much more extended than it is even in the case of the substitution of an entirely new bill. My contention further is that the Senate, having opened up in a very complete way, in a very general way, the whole subject of passports and visés, it was both the right and the duty of the House managers to prepare and perfect, with the Senate conferees, a general scheme of passport control upon the theory that that would have been germane if the Senate amendment had been originally before the House and open for amendment under the five-minute rule.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. In just a moment. I should like to call the attention of the Speaker also to the fact that to-day on the statute books there is a law, which expires March 4, 1921, which is not a war-time act but a peace-time act—because it has no relation to the termination of the war—which legislates quite fully concerning the entry of aliens into the United States and provides in part as follows:

> That if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act be imposed upon the entry of aliens into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—
>
> (a) For any alien to enter or attempt to enter the United States except under such reasonable rules, regulations, and orders, and subject to such passport, visé, or other limitations and exceptions as the President shall prescribe—

And so forth.

That is public law No. 79, Sixty-sixth Congress. I cite it because it seems to me that it shows the intent of Congress, at least, that this question shall be handled as the conferees have handled it in this case. I am not quite sure as to the exact bearing of this suggestion upon the point of order, but the gentleman from New York [Mr. SIEGEL] has laid a great deal of stress upon the fact that the conferees, as he alleges, exceeded their authority in section 3—section 3 being the section which throws under the control of the consular officer the question of whether or not the visé shall be granted in cases where the alien would be obviously subject to exclusion under our laws. My point in mentioning the statute just cited is that section 3 is already almost exactly, if not precisely, in the law to-day, and that the conferees, in recommending it, seem to be legislating in harmony with the very recently declared intention of Congress upon that subject.

I yield to the gentleman from Massachusetts.

Mr. WALSH. Mr. Speaker, is it the gentleman's contention that in the same conference the conferees' authority and jurisdiction are broader upon an amendment which the House has disagreed to but which involves something entirely new in the bill than in the case of an amendment which the Senate has made to something that the House included in its bill?

Mr. ROGERS. So far as the subject matter of that particular Senate amendment is concerned, that is my contention.

Mr. WALSH. If that is the view of the gentleman, how are you going to protect a bill which has been amended in that way?

Mr. ROGERS. You are always protected by the requirement of germaneness. I do not contend, so far as I am concerned, that the conferees would have had the right to go outside in order to include matter which was not germane.

Mr. WALSH. Of course, in this instance the Senate did not strike out all after the enacting clause and insert a new bill.

Mr. ROGERS. No.

Mr. WALSH. They inserted several individual amendments, which have been numbered and which have been considered separately by the managers on the part of the House in the conference.

Mr. ROGERS. They inserted one amendment relating to passports generally, which was necessarily treated as a unit.

Mr. WALSH. But there were other amendments.

Mr. ROGERS. There were other amendments to other parts of the appropriation bill.

Mr. WALSH. And the gentleman contends that with reference to that one amendment the conferees can treat it as if it were all there was to the bill originally, and the bill comes back with all after the enacting clause stricken out and this new matter inserted.

Mr. ROGERS. As far as that one subject matter goes, that is precisely my contention. In other words, although in the ordinary case of one House writing a new bill and striking out what the other House has written you usually find a certain degree of unanimity between the two Houses, in this case you find a variation of 100 per cent between the views of the two Houses. One has not legislated at all and the other has legislated quite widely. Putting my contention at its lowest terms, it would seem to me that the conferees, so far as that subject matter is concerned, are at least as unhampered as are conferees in the case to which I refer.

Mr. WALSH. But the gentleman will admit that when the House disagreed to all the Senate amendments it disagreed in exactly the same manner and to the same extent to the other amendments as it did to this one, which involves new propositions.

Mr. ROGERS. Precisely.

Mr. WALSH. What I was endeavoring to get from the gentleman is his contention as to whether simply because this involves new matter the disagreement brought with it broader powers on the part of the managers.

Mr. ROGERS. I do not know that I can do more than repeat what I have said. When one House does not deal with a subject at all and when the other House puts upon an appropriation or other bill an amendment dealing de novo with that subject, and dealing with it very broadly, I contend that when that bill goes to conference without instructions the conferees have the right to legislate very freely on the matter, to report in a new proposal, and to be bound only by the consideration that whatever they report must be germane to the amendment in question.

Mr. SIEGEL. Mr. Speaker, the proposition advanced by the gentleman from Massachusetts [Mr. ROGERS] would practically reverse all of the precedents which have been followed in the House up to date. The precedents which he has cited up to now have all been cases where the entire bill after the enacting clause has been stricken out. He can not cite a single case where it was ever contended before to-day that an amendment is in order, as in this case, which embodies new legislation, which employs a new method for immigrants coming to this country, which gives power to the consul which is now vested in the United States immigration authorities at our ports, and which in the House would go to an entirely different committee, namely, the Committee on Naturalization and Immigration, but which also involves legislation which has not been considered in this House and which has never been brought up or discussed here and giving the most extraordinary power to consuls abroad.

If the entire bill had been stricken out after the enacting clause, then the argument from the gentleman from Massachusetts might hold water. What is attempted here is this: The Senate passed an amendment, No. 15, in which it provided that $9 and $1 shall be charged for viséing a passport or for the issuance of one. The gentleman from Massachusetts must have forgotten that when an immigrant arrives in America he pays $8, and that each and every alien entering the United States does so. If you add the $10, that will make $18 for each and every immigrant coming into the United States. That is the practical effect. They are also endeavoring to make the consul the supreme authority over there to determine the question whether the immigrant is absolutely fit to come to the United States, and under our law the authority to determine that question is lodged with the immigration authorities with the right to appeal to the Secretary of Labor. But they do not stop there. They try to repeal the provision which allows the Secretary of State at the present time to issue passports to a declarant, something that has been followed during the entire war period.

Many men who are in this country, although not fully naturalized, were in the service of the Government and who could not obtain their final papers were granted these passports. By section 8 they try to wipe that out. These conferees have done everything which conferees have never been permitted to do before by this House, and unless the precedents are going to be smashed it seems to me the point of order should be sustained, because it establishes a dangerous precedent by which it is possible to say that conferees in an amendment have a wider authority than they would have had in the event the entire legislation was thrown out and a new bill gotten together, as will perhaps be the case in the Army reorganization bill.

Mr. ROGERS. Will the gentleman yield?

Mr. SIEGEL. I will.

Mr. ROGERS. Does the gentleman see any difference in principle or reason——

Mr. SIEGEL. I do.

Mr. ROGERS. One moment—between a case where all after the enacting clause of a House bill is stricken out by the Senate and a case where a single Senate amendment opens up an entirely new subject——

Mr. SIEGEL. I do.

Mr. ROGERS. Does the gentleman see any reason why the conferees' authority should be different in the two cases?

Mr. SIEGEL. I see a big reason. One is that the precedents are to the contrary of the gentleman's contention.

Mr. ROGERS. There is no precedent against it.

Mr. SIEGEL. Yes.

Mr. ROGERS. Will the gentleman state the precedent?

Mr. SIEGEL. Every precedent——

Mr. ROGERS. Will the gentleman state the precedent opposed to my contention? I wish the gentleman would cite some of them. I have looked diligently——

Mr. SIEGEL. I, too, have looked diligently, and I have not been able to find the case where any such contention as the gentleman is making here to-day has ever been contended for before. Why, according to the gentleman's contention the conferees can go to work and bring in here anything they practically want as long as it is supported by an amendment of the Senate. When this kind of legislation was attempted to be put on in the Committee of the Whole House on the state of the Union it was stricken out on a point of order on the ground it was new legislation, and that certainly was the proper procedure. It goes over to the Senate, and the mere fact that the Senate inserts a provision for the $9 and $1 certainly does not give full authority to add to it and give the conferees the right to repeal all laws and give the consuls such drastic authority as is given. I admit the question is very important. I admit the ruling of the Speaker is probably the most important which he has been called upon to rule upon and determine, because if he decides to-day that a conference committee can do this, I do not know what kind of legislation may be put upon the statute books by conferees without the House having a single chance to pass upon it. The danger of conference rider legislation has been frequently discussed by all who know its serious effects, and this report certainly confirms its reprehensiveness.

Mr. SABATH. Mr. Speaker, unfortunately, I was not on the floor when this question came up originally, and I do not know whether the gentleman from New York has called the Speaker's attention to the so-called section 4 in the amendment, which is positively new legislation. It was not considered by the House at any time, and it came to my attention only a few moments ago. Section 4 provides that—

> from and after the 1st day of June, 1920, it shall be unlawful for any alien, other than a seaman, to enter or attempt to enter the United States without a passport duly viséd by a person duly authorized by the Secretary of State to issue such visés—

And so forth. There was nothing in the original bill nor in the Senate bill that required a passport on the part of any person before he could enter the United States. If this report should be adopted, it will be new legislation that was never considered by the House nor by the Senate. It is new legislation; it changes conditions and the immigration law; it makes it impossible for anyone at any time to enter the United States before he can secure a passport from his own country. Now, just see how far-reaching this legislation is: We will say that to-day in Ireland some man is dissatisfied with conditions that now exist and demands that Ireland be recognized as an independent state. Will the framers of this provision believe that such a man could secure a passport from the British Government and have it viséd, notwithstanding that he is only advocating and demanding for Ireland what that country is entitled to? Indeed not. Instead of receiving a passport, he would be arrested and thrown in jail, as is being done every day, so much so that the British prisons are filled with Irish political offenders.

Ever since the establishment of our Republic this country has been the refuge of those who have been obliged to flee their own country for political offenses. This provision will make it impossible for anyone to reach the United States who at any time will be found in displeasure with his own country. I have given only an example of how far-reaching this provision is. It surely is new legislation, never contemplated on the part of the committee nor on the part of the House, and was not considered in the Senate, and was inserted by the conferees without any right or jurisdiction. As pointed out by the gentleman from New York, it is clearly new legislation, and therefore I feel that on that ground the point of order should be sustained.

Mr. GALLAGHER. Mr. Speaker, during the war there was a bill passed that provided for a visé on passports, and the law was extended a short time ago, extended, I think, for one year. I voted against it, and was the only Member that did. Now, this seeks to make permanent law the provisions of that particular bill which was passed as a war measure. As my colleague from Illinois [Mr. SABATH] says, it simply makes it permanent law and deprives people from coming who ought to be allowed the privilege of coming here if they want to. It is new law and a distinct departure from conditions and privileges that made this country great and prosperous, and therefore is new legislation and subject to a point of order.

Mr. JOHNSON of Mississippi. Mr. Speaker, in view of the fact that this is such an important matter, I make the point of order there is no quorum present. We ought to have a quorum here.

Mr. MONDELL. I hope the gentleman will withdraw the point of order until the Chair rules.

Mr. JOHNSON of Mississippi. I withdraw it until the Chair has made a ruling.

The SPEAKER. It seems to the Chair that there is unquestionably legislation in the conference report, and in the view of the Chair it is a close question whether the conferees have or have not exceeded their authority. But the amendment of the Senate is on a subject which was not covered by the House and would not have been in order in the House. While nominally concerned simply with passports, it really seems to the Chair it is immigration legislation and was doubtless so intended. Is it all germane to the Senate amendment? It seems to the Chair pretty clear that it is germane, because the Senate amendment touches on different phases of passports, on immigration, and in one paragraph forbids the departure of certain citizens from the United States. It legislates and is quite sweeping. The House disagreed to it entirely. The main question is whether the conferees have added anything which exceeded their powers. A decision by Speaker CLARK on a somewhat similar question, on an amendment, it seems to the Chair, is very conclusive. He says, on page 481 of the manual:

> The House struck out the whole of the McCumber amendment; that is, agreed to a substitute for the entire McCumber amendment. It did not leave a single line or word of the McCumber amendment. That put it in exactly the same situation as if everything after the enacting clause of a bill was struck out. And it has been held so often and so far back and by so many Speakers that where everything after the enacting clause is struck out the conferees have carte blanche to prepare a bill on that subject that it seems to the Chair that question is no longer open to controversy.

Now, while the Chair will not say that the conferees have carte blanche, yet it seems to the Chair that what the conferees have agreed to is strictly germane and very closely connected and a natural sequence to the amendment put in by the Senate. Therefore the Chair overrules the point of order.

Mr. CONNALLY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY. What is the proper procedure for a Member to pursue who desires to strike out a part of the conference report? Would it be a motion to recommit with instructions to strike out part of it?

The SPEAKER. There are two ways. The conference report could be voted down, and then everything would be open; or it has been held in recent years that a motion to recommit is in order if the Senate has not acted on the conference report.

Mr. ROGERS. Mr. Speaker, the Senate has acted upon the conference report already.

The SPEAKER. If the Senate has acted, there can not be a motion to recommit. The only course would be to vote down the conference report. The question is on agreeing to the conference report. Does the gentleman from Mississippi [Mr. JOHNSON] wish to make the point of no quorum?

Mr. JOHNSON of Mississippi. No, sir.

Mr. CROWTHER. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of no quorum.

Mr. CROWTHER. I withdraw it.

Mr. McKEOWN. Mr. Speaker, it is an important matter, and there ought to be a quorum to consider the new legislation. I make the point.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, May 16, 1920, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LEHLBACH, from the Committee on Reform in the Civil Service, to which was referred the joint resolution (S. J. Res. 160) to provide for the preservation and maintenance of the records of the Joint Commission on Reclassification of Salaries, reported the same without amendment, accompanied by a report (No. 987), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CHINDBLOM, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 13264) to provide for the award of a medal of merit to the personnel of the merchant marine of the United States of America, reported the same without amendment, accompanied by a report (No. 988), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PETERS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 5899) for the relief of Kenneth S. Cook, storekeeper, second class, United States Navy, reported the same without amendment, accompanied by a report (No. 989), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5580) granting six months' pay to Anton Kunz, father of Joseph Anthony Kunz, deceased, machinist's mate, first class, United States Navy, in active service, reported the same without amendment, accompanied by a report (No. 990), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 13541) for the relief of Lee M. Allen, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. IRELAND: A bill (H. R. 14088) providing for the extension of the United States courthouse, post office, and public building at Peoria, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. FORDNEY: A bill (H. R. 14089) to provide adjusted compensation for veterans of the World War, to provide revenue therefor, and for other purposes; to the Committee on Ways and Means.

By Mr. KAHN: A bill (H. R. 14090) authorizing the War Department to repair or furnish spare parts for property loaned by authority of law to other agencies, the expense thereof to be borne by such agencies; to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 14091) to increase the revenue by imposing a tax on certain sales of sugar, to prevent profiteering therein, and for other purposes; to the Committee on Ways and Means.

By Mr. LAYTON: A bill (H. R. 14092) to create a negro industrial commission; to the Committee on Appropriations.

By Mr. DARROW: A bill (H. R. 14093) to provide for celebrating the one hundred and fiftieth anniversary of the signing of the Declaration of Independence by holding an international exhibition of arts, industries, manufactures, and products of the soil, mine, and sea in the city of Philadelphia, in the

State of Pennsylvania; to the Committee on Industrial Arts and Expositions.

By Mr. MASON: Concurrent resolution (H. Con. Res. 56) regarding the republic of Ireland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HULINGS: A bill (H. R. 14094) granting an increase of pension to Gordon W. Hall; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 14095) granting a pension to Angie Caldwell; to the Committee on Invalid Pensions.

By Mr. YATES: A bill (H. R. 14096) granting a pension to Mary J. Finney; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3656. By Mr. BYRNS of Tennessee: Papers to accompany House bill 14077, granting an increase of pension to Robert R. Towland; to the Committee on Pensions.

3657. By Mr. DUNN: Petition of 50 citizens of Rochester, N. Y., favoring the passage of House bill 1112, providing parole of Federal prisoners; to the Committee on the Judiciary.

3658. By Mr. LINTHICUM: Petition of E. A. Lycett, Joseph L. Votta, Waldo Newcomer, Philander B. Briscoe, George Clarke Peck, Frederick Esslinger, W. H. Purcell, H. Gamse & Bro., Booz Bros., F. Friedmann, H. B. Davis Co., Bachrach, H. J. Cahn, Carroll Adams & Co., Mann Piano Co., M. E. Hecht, H. J. McGrath Co., Egerton Bros., and A. de R. Sappington, all of Baltimore, Md., relating to postal increase of salary; to the Committee on the Post Office and Post Roads.

3659. Also, petition of John J. Farrell, Baltimore, Md., in relation to the Mason bill; to the Committee on Foreign Affairs.

3660. Also, petition of Walda Newcomer, Baltimore, Md., in relation to the bonus; to the Committee on Ways and Means.

3661. Also, petition of Oppenheim, Oberndorf & Co., Baltimore, Md., relative to sales tax; to the Committee on Ways and Means.

3662. By Mr. McKEOWN: Petition of Bernard Gill Post, No. 16, American Legion, Shawnee, Okla., regarding bonus for soldiers; to the Committee on Ways and Means.

3663. Also, petition of Bernard Gill Post, No. 16, American Legion, Shawnee, Okla., favoring House bill 8290; to the Committee on Military Affairs.

3664. By Mr. O'CONNELL: Petition of George Fridman, Henrietta M. Forrest, Joseph Zadisky, James S. Taylor, and George J. Clap, jr., of New York City, protesting against legislation to increase the stock transfer tax; to the Committee on Ways and Means.

3665. Also, petition of Charles F. Smillie & Co., of New York, favoring higher salaries for postal employees; to the Committee on the Post Office and Post Roads.

3666. Also, petition of Hoboken Electro Chemical Co., of New York, opposing the passage of S. 3223; to the Committee on Patents.

3667. Also, petition of United Typothetæ of America, Rochester, N. Y., protesting against the passage of H. R. 12976; to the Committee on Ways and Means.

3668. By Mr. ROGERS: Petition of sundry citizens of Irish descent of Lowell, Mass., regarding the freedom of Ireland; to the Committee on Foreign Affairs.

3669. By Mr. TINKHAM: Petition of Local No. 100, Boston Post Office Clerks, favoring higher pay for post-office clerks; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

SUNDAY, *May 16, 1920.*

The House was called to order by the Speaker pro tempore [Mr. HUTCHINSON].

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father who art in heaven, that God, which ever lives and loves, one God, one law, one element, one far off divine event to which the whole creation moves.

"If I ask Him to receive me, will He say me nay?
Not till earth and not till heaven pass away."

So with renewed faith, and hope, and confidence, we approach Thee in the sacred attitude of prayer, confidently trusting in the overruling of Thy providence to the good of all Thy children. We thank Thee for the indissoluble ties which bind us to Thee, which time nor space can sever.

We meet to fulfill the desires of our heart. Two men of affairs, who wrought well, died well in the faithful discharge of their duty; in their work challenged the admiration of their fellows who called them to serve the people on the floor of this House; who shirked no duty, have passed on in the harness to that life in one of God's many mansions, where under more favorable circumstances they will develop the larger and more perfect life. But we would write on the pages of history their life, character and public service for those who shall come after us. May Thy loving arms be about those who knew and loved them and inspire them with hope and confidence, that though they may not return they will surely go to them in a realm where love reigns supreme.

We know not what the future hath of marvel or surprise,
Assured alone that life and death His mercy underlies.

Thus we hope, aspire and pray. In the spirit of the Master. Amen.

THE JOURNAL.

Mr. BACHARACH. Mr. Speaker, I ask unanimous consent that the reading of the Journal be deferred until to-morrow.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that the reading of the Journal be postponed until to-morrow. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the special order.

THE LATE REPRESENTATIVE WILLIAM J. BROWNING AND THE LATE REPRESENTATIVE CARL C. VAN DYKE.

The Clerk read as follows:

On motion of Mr. Hutchinson, by unanimous consent,

Ordered, That Sunday, May 16, 1920, be set apart for paying tribute to the memory of Hon. WILLIAM J. BROWNING, late a Member of this House from the State of New Jersey.

On motion of Mr. KELLER, by unanimous consent,

Ordered, That Sunday, May 16, 1920, be set apart for paying tribute to the memory of Hon. CARL C. VAN DYKE, late a Member from the State of Minnesota.

Mr. BACHARACH. Mr. Speaker, I offer the following resolution and ask for its adoption.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the business of the House be now suspended, that an opportunity may be given for tributes to the memory of Hon. WILLIAM J. BROWNING, late a Member of the House of Representatives from the State of New Jersey, and to the memory of Hon. CARL C. VAN DYKE, late a Member of the House of Representatives from the State of Minnesota.

Resolved, That as a further mark of respect to the memory of the deceased, and in recognition of their eminent abilities as distinguished public servants, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the families of the deceased.

The question was taken and the resolution was unanimously agreed to.

THE LATE REPRESENTATIVE WILLIAM J. BROWNING.

Mr. BACHARACH. Mr. Speaker, I ask unanimous consent that Members who are unable to be present to-day have an opportunity to extend their remarks in the RECORD on the life, character, and public services of our deceased colleague, WILLIAM J. BROWNING.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that Members may extend their remarks in the RECORD on the life, character, and public services of Hon. WILLIAM J. BROWNING. Is there objection? [After a pause.] The Chair hears none.

Mr. BACHARACH. Mr. Speaker, within the short period of five years in which I have been a Member of the House of Representatives, we have on three occasions been summoned in solemn assembly to pay public tribute to the life, character, and public service of Representatives in the National Congress from the great State of New Jersey.

To-day we gather to publicly attest our love and friendship for the dean of the Republican delegation from our State, the late WILLIAM J. BROWNING, of the city of Camden, whom a merciful God suddenly called to His heavenly home free from the agonies usually attendant at the hour of death.

At the time of his death Mr. BROWNING was serving his fifth consecutive term as a member of the House of Representatives from the first district of New Jersey, and was exceeded in point of service in the House by only one Member of the present State delegation.

Mr. BROWNING was for many years a faithful servant of the public, particularly to the people of his home city; first as a